



City of Santa Barbara
Planning Division

Memorandum

ABR
Reviewed
8/13/07

DATE: August 13, 2007
TO: Architectural Board of Review
FROM: Jake Jacobus, Urban Historian
SUBJECT: 601 E. Anapamu Street

The attached document is a copy of Bettie Weiss's report to City Council regarding the situation at 601 E. Anapamu Street. The document includes the associated e-mail chain, which led up to Ms. Weiss's report. I am providing this information at the request of Paul Zink, who requested to view the background information.

The dry stacked stone retaining wall dates to the construction of the complex in the early 1960's and is therefore not considered to be historically significant. It is not known if the stone hitching post was original to the site or not. There were several houses on the site prior to the construction of the modern apartment complex and the post may, or may not, have been associated with one of the former houses. It is my recommendation that it be replaced as close to its previous location as possible.

Attachment: Report to Council

Jacobus, Jake

From: Weiss, Bettie
Sent: Friday, June 22, 2007 1:51 PM
To: Mayor & City Council; 'cheri@thetrailmaster.com'; 'karenq@bdcmanagement.com'
Cc: Armstrong, Jim; Casey, Paul; Cassidy, Larry; Limon, Jaime; Boughman, Tony; Jacobus, Jake
Subject: FW: unpermitted streetscape destruction

Hello all - I have been asked to summarize the situation involving the property at 601 E. Anapamu Street, as there has been a fair amount of correspondence and activity this past week. I will try and keep this brief, yet hopefully achieve my intent of bringing us all up to speed on what the the matter and what responses the City has taken.

I realize that there are other individual involved that I have not included in this email. So, I would appreciate it if the message is passed along as needed (Cheri - to your neighbors, Karen Q. - other agents for the property owner).

The project is an apartment building and a number of changes have been proposed and are underway. City staff has been in contact with BDC Management since March of this year. The basic project description consists of painting the exterior and landscape plan changes including tree removal and alterations to retaining walls.

The status of the project in terms of ABR is that the full review process and final approvals have not yet been granted, as the ABR requested that the plan return with more tree mitigation.

The status of enforcement on the property is active - a stop work order was issued on Monday with the following corrections required:

Stop Work CN given to Hugo Garcia 895-6106. 1) Stop all work-construction and landscaping. 2) Open sidewalk and remove all sidewalk obstructions. 3) Obtain Public Works permit for sidewalk closures. 4) Obtain Planning approval for final landscaping plan. 5) Obtain building permit for retaining wall repair and replacement of lower balcony on rear building. A follow-up inspection set for the 18th of July.

As is evidenced by the stop work notice being issued on Monday, City staff has been working on this matter diligently. Below are a few of the emails generated this week regarding this matter.

The applicant has been advised that all proposed changes (including what has been initiated) must be included in the plans for ABR (stairs, hitching post replacement, etc.). The applicant is also aware that the Parks Dept. also (along with ABR) has authority on the front yard trees and we have a letter from Parks. A 10 day standard notice is not required for this project (SBMC 22.68.065). Staff will send an agenda to the "interested parties" we have added this week to the project file. Because there will likely be at least 1 week from application to agenda, it would be good for the neighbors to be in contact with staff &/or the applicant to have a heads up on the ABR meeting, and to come in and review the plan.

Again - my role has been to share basic info so as to convey to Council and the neighbors that this matter is well understood and being addressed appropriately. For more info - see emails below.

Thanks,
Bettie Weiss
City Planner

From: Jacobus, Jake Sent: Friday, June 22, 2007 10:09 AM To: Weiss, Bettie Cc: Limon, Jaime Subject: 601 East Anapamu Street - Landscape/Hardscape Alterations

Bettie,

I received two phone calls on June 18, 2007 (at approximately 2:00 p.m.) while I was attending a meeting. The first call was from Cheri Rae McKinney a neighbor of the above mentioned apartment complex, and the second call was from Debra Bush at the Mayor's Office, who requested that I contact Cheri Rae. I called Cheri Rae about 3:00 p.m. and she informed that she believed that there was un-permitted work going on at the Villa Flores Apartments. She indicated to me that workers were demolishing a stone retaining wall and had removed an historic sandstone hitching-post. I told her that I would look into the situation.

I checked the permit records and found that the proposed landscape plan had only received "Preliminary" approval from the ABR and that there were no permits issued for the removal of the retaining wall.

Around 3:30 p.m. I decided that I should conduct a site visit to see exactly what was taking place on the property. I observed that virtually all of the landscape material had been removed from the Anapamu Street side of the complex, and observed workman demolishing the sandstone retaining wall along Salsipuedes Street. The wall they were demolishing was about 5-feet high from the sidewalk level (therefore greater than 4-feet from the top of the footing), which means that a building permit is required for the removal of the wall. I returned to the office and double checked the records and found no building permit on file for the removal of the retaining wall.

I then spoke with Lauren Mocis, Building Inspector, regarding this situation and she agreed to conduct a site visit. She found several life-safety issues with the way the demolition was being carried out and confirmed that no permit had been issued. She issued a stop work order.

I called Cheri Rae to inform her the City has issued a stop-work order and that the applicant would need to apply for the appropriate permits. I also informed her that there is an active ABR application in the process for the landscape improvements. I indicated that if she had further questions, that she should contact Tony Boughman, ABR staff and case planner for this project.

Cheri Rae called me at around 9:40 a.m. on June 19th to inform me that an historic hitching post had been removed. I indicated that the City was aware of it and that the applicant would be required to put it back because it was located on the City right-of-way. Cheri Rae indicated that she left a message yesterday for Tony and that he had not responded. I stated that Monday was an ABR hearing and that Tony is very busy on Mondays.

Beginning on Wednesday, June 20th, I saw a flurry of e-mail messages that I was copied on (beginning with Tony's response to an e-mail that Cheri Rae had sent to him). By this time, a number of neighbors had become involved and I also saw an e-mail from Kellam DeForest of the Pearl Chase Society.

At about 2:30 p.m. on Wednesday, I received a call from Cheri Rae and she was unhappy with the City's response to this situation. She indicated to me that there was a life-safety issue because of the potential for someone getting hurt by falling debris and that there was a large tree with its root exposed, which she believes could fall. She asked me who she could call about this potential danger, and I responded that George Estrella, Chief Building Official, would be able to make the determination as to whether there

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actually is a life-safety issue that should be addressed immediately.

Cheri Rae stated that she felt that the City was not doing anything about the situation. I basically explained to her that we were, and that it would take some time for all the appropriate parties to address the situation. When she explained that the removal of landscape on the apartment site was having a negative impact on her property, I explained to her that she and other members of the public may attend the upcoming ABR hearing to address their concerns. I feel comfortable that the ABR will guide this proposal to an acceptable solution.

I know that this was a bit long, but I thought that you should be aware of the full situation. Jaime Limon can also provide additional information that may be important to this issue.

Jake Jacobus, Urban Historian

Community Development Department,

Design Review and Historic Preservation Section

From: Cheri [mailto:cheri@thetrailmaster.com]
Sent: Wednesday, June 20, 2007 10:23 AM
To: Boughman, Tony; 'Monie'; 'Susan Petty'; 'Julie Wood'
Cc: Williams, Das; Jacobus, Jake; Limon, Jaime; Blum, Marty
Subject: unpermitted streetscape destruction

Mr, Boughman,

Thank you for your reply.

I have contacted you for the City's official information about this project and you have responded with the applicant's version. Our neighborhood's experience with this applicant is far less than acceptable, and I expect a detailed and official explanation from you based on the City's requirements and the applicant's actions. If you cannot provide it, then please direct me to the City official who will.

I am still unclear about what work has been officially permitted and what has not. You mention that the landscaping plan received preliminary approval. Has it received final approval? From my experience with ABR, I would be more than surprised that the City would allow the destruction of virtually every mature plant and tree on the site without a final approval for the landscape plan. Isn't final approval required before removal commences?

The unpermitted destruction of the rock wall has left it in a highly unsafe condition and has destabilized both rocks and trees above it. Further, in doing so, the new ownership is attempting to create a major new entryway from Salsipuedes, something that has never been a part of the streetscape. This unpermitted entryway will not only give easy access to the swimming pool creating an enticing danger to our children, it also creates a passageway for anyone passing through, particularly the local high school students. With the rise in gang activity and street crime in our area—just look at the graffiti that has recently exploded onto the scene--this does not appear to be a safe or wise measure, especially when done without official permission.

I am also puzzled about the requirements for neighborhood notification when an entire city block is so profoundly altered. Would you please refer me to the proper resource so that I might better understand what neighborhood alterations require advance notification and which do not. From the outcry of citizens who have been negatively affected—not only by the removal of vegetation, but the callous disregard for its cultural resources—I suggest that it is time for the city to rethink its notification policies, as well as the penalties for those who would ignore the City's requirements and proceed with un-permitted work, resulting in great community disruption and a stop work order.

It is essential that this situation be remedied as soon as possible, and that your work on this issue extend far beyond conversations with the applicant. We neighbors are extremely unrepresented right now, and we need some strong leadership and immediate action that results in a much improved situation—both on the ground and

at the highest levels of City government.

I look forward to your reply.
All best,

Cheri Rae

(805) 963-7037

cheri@thetrailmaster.com

www.thetrailmaster.com

-----Original Message-----

From: Boughman, Tony [mailto:ABoughman@SantaBarbaraCA.gov]

Sent: Wednesday, June 20, 2007 9:36 AM

To: Cheri; Monie; Susan Petty; Julie Wood

Cc: Williams, Das; Jacobus, Jake; Limon, Jaime

Subject: RE: situation at 601 E. Anapamu

I spoke to the applicant for this project. Preliminary approval was given by ABR on 5/7 for a new landscape plan. As I understand it, there has been some additional work commenced that was outside the scope of work of the ABR reviews on 4/23 and 5/7. I believe they are removing and replacing a retaining wall, doing some minor swimming pool changes, and repairing the sidewalk where trees were removed. The applicant told me a street tree inspection was done on 4/25 and approval was given to remove trees as requested except for one. I told the applicant to add the additional work (any exterior changes on site) to the project's scope of work for the next ABR review. This project was not one that required neighbors to be notified. We have the preliminary landscape plan here at the Planning and Zoning counter at 630 Garden St. if you would like to see it, and we expect revised plans soon.

Tony Boughman
564-5470

From: Cheri [mailto:cheri@thetrailmaster.com]

Sent: Tuesday, June 19, 2007 9:57 PM

To: Boughman, Tony

Cc: Williams, Das

Subject: situation at 601 E. Anapamu

Mr. Boughman:

Perhaps you have not received my phone messages from Monday and Tuesday, so I will attempt to reach you this way instead.

I am most concerned about the situation that has been thrust upon my neighborhood by the new ownership and management company of the property at 601 E. Anapamu, and I need information that apparently only you have.

According to my conversations with Mr. Jake Jacobus, our City Historian, an official for whom I have the utmost regard, the proper permits for landscape removal and an approved landscape plan are not in place. Ms. Karen Quinn of BDC management company insists, however, that the permits are in place. Throughout this unpleasant process, neighbors have received absolutely no notification from the City, the ABR or the management company about the work planned, and despite numerous requests, no attempt was ever made for any kind of good neighbor notification on the days of greatest noise and disturbance. If you're at all familiar with the Bungalow Haven neighborhood you would know that we do get involved in the process—and we surely would have gotten involved in this one!

That's all now a moot point: The fact that the historic stone wall has been bulldozed, the historic hitching post removed and that a very unsafe situation now exists with the now highly unstable rock wall—and large trees perched precariously with huge root balls exposed—is of great concern to many of us who walk regularly in the neighborhood. With the SB Bowl season opening on Friday night, it really ought to be of equal priority to City officials as well.

There is an additional quite serious question about the landscaping requirements, since the streetscape has been changed so profoundly. So many mature trees have been removed, the unsightly buildings now loom ominously above the sidewalks and loom into view from nearby properties; the birds now have no place to roost and have left the neighborhood; the sounds are magnified, and any sense of privacy residents of the property and we neighbors once enjoyed has now vanished. We fully expect that the new landscaping plan require the placement of mature specimen trees on the site to restore some sort of ambience now long gone from our once-graceful neighborhood.

I am no arborist, but even a casual gardener like me must question the wisdom of scheduling the planting of trees in about two months time—the middle of summer, our hottest, driest time of the year, which will surely strain whatever plants are placed and require more water than usual.

I hope that you will find time in your busy schedule to communicate with me about this very important matter as soon as possible.

Cheri Rae

(805) 963-7037

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Background info of disc with applicant (BLW)

From: Gustafson, David

Sent: Tuesday, May 22, 2007 4:51 PM

To: 'robk@bdcmanagement.com'

Cc: Limon, Jaime

Subject: 601 E. Anapamu Street

Hi, Rob. I am getting back to you regarding your frustration with your experience with our design review process. I have been away on vacation for a couple of weeks, so sorry for the delay.

I checked with Jaime Limon who manages the Architectural Board of Review process to try to better understand the experience you had. Here is written information I got from Jaime:

There is sometimes confusion regarding projects involving color changes to multi-residential buildings. The color change can be exempted from ABR and from obtaining a building permit.- If the painting is the only work being proposed.

The ABR ordinance specifically requires ABR when other work is being done in conjunction with the paint color change. The ABR was unaware of the fact that additional construction work and extensive landscaping/site wall improvements are being proposed by others separately. (Including the removal of several large trees in the front yard setback). So the ABR Consent reviewer may have said something about possibly being exempt. Staff makes the final determination, which was correct to require ABR review.

I don't know how this coincides with your understanding of the experience. I do seem to recall you telling me that other work, including the tree work, was proposed. Let me know if we are overlooking or misunderstanding something. I hope all your future experiences with design review are positive.